



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/167,267	10/06/1998	SEIJI SHIMIZU	P/2054-92	1164

7590

05/10/2002

Steven I. Weisburd, Esq.
Dickstein, Shapiro, Morin & Oshinsky, LLP
1177 Avenue of the Americas
41st Floor
New York, NY 10036-2714

EXAMINER

KWOH, JASPER C

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/167,267

Applicant(s)

SHIMIZU, SEIJI

Examiner

Jasper Kwoh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8, 9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) 4, 10 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-6, 8 and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by kondo.

Regarding claims 1 and 8, Kondo discloses a terminal and method comprising wireless transmitting/receiving means (i.e. fig. 2, 12a; radio receiver unit); detecting means detecting a received electric field strength (i.e. 32; electric field strength is detected by the field detector); and operation clock control means controlling the frequency of an operation clock for processing data transmitted and received based on a received electric field strength (i.e. fig.2, 33; based on the field strength F1, the sync control ckt 33 which controls the clock sync circuit 16a using CC which provides the frequency of a clock CK).

Art Unit: 2663

Regarding claims 5-6 and 11-12, Kondo discloses disclose interrupt signals controlling the frequency of the clock (i.e. col. 5, ll. 66-68; the clock control circuit interrupts clock synchronization using CC).

Claim Rejections - 35 USC § 103

3. Claims 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo.

Regarding claims 2 and 9, Kondo does not specifically disclose that the frequency becomes smaller as the electric field strength becomes smaller. However, It is known to an ordinary person skilled in the art that the larger the frequency the greater the interference and saving information in memory. The interference will interfere with weaker electric fields. Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to decrease the frequency of the clock when the electric field is weaker in order to receive signals or else all incoming signal would be unuseable.

Regarding claim 3, Kondo does not specifically disclose using memory means stored the electric field strength for the clock control means to use. Official notice is taken that it is old and well that data can be stored in memory. Therefore, it would have been obvious to use memory devices to store information in order for the information not to disappear in the system.

Allowable Subject Matter

4. Claim 7 allowed.
5. Claims 4, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Motohashi is cited to show a data processor having radio communication function and method of controlling frequency of clock signals in data processor;
8. Hamano et al. is cited to show a portable electronic device with radio communication and controlled computer status
9. Hijii is cited to show a TDMA mobile telephone apparatus.
10. Teza et al. is cited to show a four mode microcomputer power save operation.
11. Smalley et al. is cited to show a method and apparatus for power management in a multifunction controller with an embedded microprocessor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

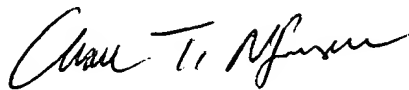
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Art Unit: 2663

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Jasper Kwoh
Examiner
Art Unit 2663

Jasper Kwoh
April 23, 2002

A handwritten signature in black ink, appearing to read "Chau T. Nguyen".

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600